

THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY, NOT EXCEEDING \$500 FOR EACH DAY A VIOLATION CONTINUES, AGAINST AN AMUSEMENT OWNER WHO FAILS TO CORRECT THE VIOLATION IN THE TIME SET FOR ITS CORRECTION.

(D) \$1,000 PENALTY.

THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY, NOT EXCEEDING \$1,000 FOR EACH VIOLATION, AGAINST AN AMUSEMENT OWNER WHO VIOLATES THIS TITLE OR AN ORDER PASSED OR REGULATION ADOPTED UNDER THIS TITLE IF A SUBSTANTIAL PROBABILITY OF DEATH OR SERIOUS PHYSICAL INJURY EXISTS BECAUSE OF THE VIOLATION, UNLESS THE AMUSEMENT OWNER DID NOT KNOW AND WITH REASONABLE DILIGENCE COULD NOT HAVE KNOWN OF THE VIOLATION.

(E) \$2,000 PENALTY.

THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY, NOT EXCEEDING \$2,000 FOR EACH VIOLATION, AGAINST A PERSON WHO:

(1) OPERATES AN AMUSEMENT ATTRACTION WITHOUT A CERTIFICATE OF INSPECTION FROM THE COMMISSIONER; OR

(2) WILLFULLY OR REPEATEDLY VIOLATES THIS TITLE OR AN ORDER PASSED OR REGULATION ADOPTED UNDER THIS TITLE.

(F) CONSIDERATIONS.

BEFORE THE COMMISSIONER IMPOSES A CIVIL PENALTY, THE COMMISSIONER SHALL CONSIDER THE APPROPRIATENESS OF THE PENALTY IN RELATION TO:

(1) THE SIZE OF THE BUSINESS OF THE AMUSEMENT OWNER AGAINST WHOM THE PENALTY IS TO BE IMPOSED;

(2) THE GRAVITY OF THE VIOLATION FOR WHICH THE PENALTY IS TO BE IMPOSED;

(3) THE GOOD FAITH OF THE AMUSEMENT OWNER; AND

(4) ANY PREVIOUS VIOLATIONS BY THE AMUSEMENT OWNER.

(G) DISPOSITION.

EACH CIVIL PENALTY SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 80.